

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON OCTOBER 8, 2008 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Miller, Chair called the meeting to order and Mr. Seitz, Secretary, established the presence of a quorum.

Present: Robert Miller, Chair
 Walt Haynes, Vice Chair
 William Seitz, Secretary
 Frank Lau, Member
 Steve Howard, Member
 David Moore, Member
 Malvin Wells, Member
 John Muffo, Board of Supervisors Liaison
 Steve Sandy, Planning Director
 Dari Jenkins, Planning & Zoning Administrator
 Brea Hopkins, Zoning Technician
 Jamie MacLean, Development Planner

Absent: Bryan Rice, Member
 Steve Cochran, Member

PUBLIC ADDRESS:

None

APPROVAL OF AGENDA:

On a motion by Mr. Haynes, seconded by Mr. Howard and unanimously carried the agenda was approved as presented.

APPROVAL OF CONSENT AGENDA:

On a motion by Mr. Haynes, seconded by Mr. Howard and unanimously carried the consent agenda was approved as presented.

PUBLIC HEARING:

SU-2008-06129 - A request by Oak Forest MHC, LLC (Agent: Gay & Neel, Inc.) for an amendment of a Special Use Permit (SUP) to eliminate condition number(s) 3, 5, 7, 8, and 10 approved on February 23, 2004 by the Board of Supervisors. The property is the current Oak Forest Mobile Home Park located at 1156 Hightop Road, and is identified as Tax Parcel No(s). 66-A-98 (Acct No. 016259), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

Mr. Miller introduced the request.

Mr. Sandy stated a special use permit was granted February 2004 for the expansion of the existing mobile home park known as Oak Forest Mobile Home Park. Conditions were placed on the special use

permit and the applicant has requested a change to those conditions. He reviewed the location of the property, maps, and photos of the site. Mr. Sandy reviewed the proposed changes to conditions 3, 5, 7, 8, and 10. Condition #3 requires the road to connect to Merrimac and be taken into the state system. VDOT has stated since the road only serves one property they will not take it over. The applicant has further stated it is fiscally and physically impossible to construct the road to state standards. Condition #5 relates to the installation and testing of fire hydrants. The applicant has installed the fire hydrants and new lines and is requesting the condition to be eliminated. Eliminating this condition would remove the testing requirement and allow the hydrants to be removed. The condition could be revised to match PSA regulations. Condition #7 required streets to be built to requirements of zoning ordinance. The applicant has revised the plan for the park and will utilize existing streets therefore the elimination of this condition should not impact the development. Condition #8 states the SUP will expire is substantial construction has not taken place within two (2) years. The applicant has stated that this condition would no longer be applicable since construction has begun. The storm water facility is regulated by condition #10. The applicant indicates all items relating to this condition have been met and is requesting the elimination of the condition. The condition could be amended to reiterate the importance of storm water management and maintenance. The plan shows the placement of the additional units which would create a total of 214 units.

Mr. Haynes inquired as to the amount of recreation area provided and the type that would be installed.

Mr. Sandy stated the area would be open space.

Mr. Miller opened the public hearing.

Mr. Kevin Conner, Gay & Neel, stated the owner agrees with recommendations regarding conditions 5, 7, 8. The applicant would like to keep the 219 home units as stated in the conditions. The loop road is physically and economically impossible due to steepness of grade.

Mr. John Neel, Gay & Neel, stated that the issue with the loop road is the VDOT requirements. The state requires a 2% grade for 50 ft. and maximum of 16% grade overall. As the grade transitions it is physically impossible to get the road in place without eliminating existing and proposed units as well as the existing office. It also may not be possible to obtain site distance due to the amount of grading required. He noted that Mr. Radford would be willing to accept a condition to install recreation equipment within the indicated recreation area. The adjacent church has had some flooding issues over the years. Gay & Neel has been working with the church to mitigate those issues and a plan has been established. The number of units requested is the 219. Affordable housing is needed in the county. This is a well kept park and would benefit those citizens needing the housing.

Mr. Seitz asked was the applicant aware of the possible road issue prior to the SUP being granted.

Mr. Neel stated that the applicant was not aware of the potential issues and that some of the problems could be that the VDOT standards were different at the time of the SUP approval. In order to meet current standards the existing entrance would also have to be re-graded.

Mr. Wells noted that the owner may want to ensure all mobile homes had the numbers displayed for fire and/or emergency services purposes.

There being no further comments the public hearing was closed.

Mr. Haynes stated the only apparent issue was the lack of recreation options.

Mr. Seitz noted his concerns that the request was to change the conditions of a special use permit that had been approved. He noted he would support keeping as many conditions as possible.

Mr. Wells stated the loop road appears to be extraordinary and may not be necessary if future expansions are not planned.

Mr. Conner stated the remaining area is dedicated open space; therefore, no additional mobile homes can be placed on the property.

Mr. Sandy asked if any type of road could be constructed.

Mr. Neel stated the entrance standards could not be met and it would not be possible to establish a road safe enough for anyone to travel. Any type of road would still cause the loss of approximately 25% of existing homes. It would be possible to revise the existing entrance to correct some of the drainage issues.

Mr. Sandy noted that the existing entrance needs to be upgraded, especially if a new entrance cannot be constructed.

Mr. McMahon stated it was necessary to see what impact was being mitigated by the road. If the condition was in place because of the increase in the number of units made the road necessary then maybe the condition is necessary.

Mr. Moore noted one road serves Walnut Creek, which has more units than proposed in Oak Forest.

Mr. Haynes stated another major issue is the steepness of the existing entrance.

Mr. Moore stated the applicant could look at improving the existing entrance to mitigate the issue.

On a motion by Mr. Seitz seconded by Mr. Haynes and carried by a 7-0 vote (Rice & Cochran absent) the Planning Commission tabled the request by Oak Forest MHC, LLC (Agent: Gay & Neel, Inc.) to amend existing the special use permit to eliminate condition number (s) 3, 5, 7, 8, and 10 until November.

SU-2008-05692- A request by Lawrence S. Estes, (Agent: Verizon Wireless) for a Special Use Permit (SUP) on approximately 44.923 acres in an Agriculture (A1) zoning district to allow a 125' telecommunication tower. The property is located at 906 Den Hill Road, and is identified as Tax Parcel No(s). 68-A-145 (Acct No. 006179), in the Mount Tabor Magisterial District (District B1). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

Mr. Miller introduced the request.

Ms. Jenkins stated two tower applications were received for this property on the same day. Verizon and AT&T have been working together to create one new tower site to serve both companies. The application being considered is the AT&T application. She reviewed the maps and photos of the property. There is an existing tower owned by US Cellular on the property. Both companies have submitted justification for not being able to locate on that tower. AT&T had proposed flush mount antennae; however, Verizon has a different technology and are requesting a close mount antennae.

Mr. Miller stated he was impressed that the two carriers worked together and would like to encourage that among other carriers.

Mr. Miller opened the public hearing.

Mr. Mike Pace, Attorney AT&T, stated the two companies had collaborated to provide an ideal plan. The existing tower is not tall enough to serve either AT&T or Verizon. It was not known that applications would be filed the same day. US Cellular has a policy that if a carrier needs to increase the height of an existing tower they own the carrier pays for the replacement tower and turns it over to US Cellular and they collect the rent. Coverage in this area is bad. Collocation is always preferred. He discussed other opportunities researched for collocation in the area. There is a tower on this property therefore; it is not a new tower site. The site provides a significant community benefit. Another co-locator has already expressed interest and space for emergency services would be allowed. If denied each carrier will have to find another location and could potentially lead to three (3) new towers being erected.

Mr. Jim Cowan, Verizon, reviewed the process Verizon used to determine the location of the tower. He discussed the issue with the technology and the need for the close mount antennae. If flush mount is required Verizon will utilize any additional space on the tower and space will not be available for an additional co-locator.

Mr. Pace noted the reduction in the diameter to mitigate the need for the close-mount antennae.

Mr. Robert Woolwine, 1061 Lusters Gate Road, stated he had contacted the VA Dept. of Historic registry because there are three (3) historical properties in the area. When US Cellular constructed their tower there were conditions that the County could locate on the tower. A balloon test was conducted to determine the visibility of the tower from the Country Club. This tower will be visible from the Country Club, people in Ellet, and residents in New Ellet. There are old railroad towers that could provide opportunities of collocations. Those towers should be utilized before constructing another tower. Consideration to people in the area needs to be given.

Mr. Wendell Hensley, 707 Gross Drive, stated he opposes this tower location. The search ring included Blacksburg Country Club but they do not want the tower. It should be built where the people will use it. Who will come in next to construct a tower? How many will be constructed?

Mr. Raymond Smoot, 1447 Lusters Gate Road, stated cell phone service is essential and decent reception is necessary. Both exist in this area. When the last tower was constructed considerable attention was given to minimize the impacts on the view shed. This application has not been given the same consideration. It is commendable that the companies worked together; however, neighbors will have to look at this daily. It is necessary to adequately notify residents in Ellett Valley.

Mr. Phil Amodio, adjoining property owner, addressed the precise location of the tower. The lease area of the proposed tower is twice the amount of the US Cellular lease area. The distance between the two towers seems too great. Since they are at different heights they should be able to locate closer together.

Mr. Pace stated the lease area is a typically 100 ft. x 100 ft. A setback issue reduced the previous lease area. The lease area is not visible because it is on ground. It is necessary to mitigate the impact. A reasonable approach has been taken and the issue of coverage in this area is not going away.

There being no further comments the public hearing was closed.

Mr. Seitz stated there is a site approved on the property already. US Cellular is willing to give up their site. There is no reason that it is not feasible other than economic issues.

Mr. Pace stated if it could be done, AT&T would be replacing the smaller tower with a much larger tower. US Cellular does not like co-locators and would make it not feasible. US Cellular is not willing to go off line to create new tower.

Mr. Wells stated the old VA Railway towers were adequately surveyed previously but they could not be utilized.

Ms. Jenkins stated it is also important to know that with the US Cellular site a 20' separation between carriers is required; therefore, the tower would be much higher than the proposed tower.

Mr. Moore stated that this is a consequent of negotiating a smaller tower.

Mr. Sandy reviewed the notification procedures for requests.

Mr. Muffo stated that previously smaller towers were encouraged but now it is encouraged to build taller towers with collocation opportunities.

On a motion by Mr. Howard, seconded by Mr. Lau and carried by a 6-1 vote (Seitz opposed, Rice & Cochran absent) the planning commission recommended approval of the request by Lawrence S. Estes, (Agent: Verizon Wireless) for a Special Use Permit (SUP) on approximately 44.923 acres in an Agriculture (A1) zoning district to allow a 125' telecommunication tower with the following conditions:

1. Tower shall not exceed a total overall height of 120 feet inclusive of the proposed lightening rod with a ground elevation of 1,786 feet. Tower shall not have lighting. Tower shall have a base diameter not to exceed 48 inches and a top diameter of 22 inches.
2. Site development shall be in substantial conformance with the plans entitled, "AT&T Saint Andrews, Site No. R0339G", prepared by BC Architects Engineers, dated July 30, 2008 and received by Montgomery County on August 1, 2008. Revised Sheet No. VA-R0339G-A-1 shall be received and approved by the Zoning Administrator to indicate revised antenna conditions for Verizon equipment to be located in the second position on the tower.
3. Tower shall be of a "monopole stealth design" where all antennae shall be flush mounted (distance between face of pole and outer face of antennas not to exceed 12 inches in the top position; 24 inches may be necessary for modified flush mount antennas in the second position from the top of the structure). Tower shall be painted brown (Wooden Cabin or similar color brown). All wiring and cables shall be located inside the pole structure.
4. Engineering plans, including the antennae and equipment for Verizon's collocation in the second position on the tower, signed and sealed by a licensed engineer in the State of Virginia shall be submitted to and approved by the Building Official prior to issuance of a building permit.
5. No platforms or dishes shall be permitted on the structure above the tree line.
6. Tower shall meet all regulations found in Section 10-48(6) of the Montgomery County Zoning Ordinance.
7. Backup generator, if applicable, shall be fueled only by propane.
8. Owner/agent shall provide emergency services antennae space on the proposed tower for the agreed upon rental rate of \$1 per year subject to the structural capacity of the tower and provided that emergency service antennae do not provide radio frequency interference to other antennae located upon the tower.
 - Emergency service providers shall provide equipment.
 - Tower owner/agent shall install the antennae at market rate.
 - If the County declines the offered location, the tower owner will provide the County with the next highest location on the tower. In no case shall the County be offered a height of less than eighty-six feet (86 feet) on the tower.

OLD BUSINESS:

SU-2007-04757- Request by Seth Ryan McGhee for a Special Use Permit (SUP) on approximately 1.405 acres to allow a contractor's storage yard.

Mr. Miller introduced the request.

Mr. Steve Howard removed himself from discussion due to conflict of interest.

Ms. Jenkins reviewed the timeline and actions regarding the request. Previously the Planning Commission recommended denial; however, the Board of Supervisors referred the request back to the Planning Commission to look at the request again after indications by the applicant that revisions could be made. The applicant has not submitted any additional information. A public hearing is not required; however, a recommendation is needed.

On a motion by Mr. Haynes, seconded by Mr. Lau and carried by a 6-0-1 (Howard abstained, Rice & Cochran absent) recommended denial of the Seth McGhee special use permit request since no further information was submitted.

NEW BUSINESS:

The Preserve at Walnut Creek (Phase III) - Preliminary and Final Plat Approval

Mr. Sandy stated the request is for preliminary approval of 48 lots for the Preserve at Walnut Creek and for final plat approval for 20 lots. The subdivision is served by Town of Christiansburg water and PSA sewer. Currently 28 Certificates of Occupancy have been issued within the subdivision. The phases are building up. The original preliminary plat approval was subject to several conditions. The final plat is complete with the two exceptions. The Public Service Authority has a requirement that the availability fee be paid for each lot at the time the plat is recorded; the developer has discussed a modification to that requirement and is awaiting a decision from the PSA Board. VDOT has requested a clarification of the proposed drainage easements. The planning commission could approve the final plat subject to those conditions. The plat would not be signed and/or recorded until those conditions are met.

Mr. Kevin Conner, Gay & Neel, stated language could be added to clarify the maintenance of drainage easements and address VDOT concerns. If necessary we will pay availability fees for the lots and then abide by the policy adopted by the PSA Board.

On a motion by Mr. Wells, second by Mr. Howard and carried by a 7-0 vote (Rice & Cochran absent) the Planning Commission approved the preliminary plat for the Preserve at Walnut Creek (Phase III) with the following conditions:

1. The Virginia Department of Transportation (VDOT) shall review and approve the road construction and drainage plans for the roads within Phase 3.
2. The Montgomery County Public Service Authority (PSA) shall review and approve all public sewer construction plans. The Town of Christiansburg shall review and approve all public water construction plans including the provisions for fire protection described in Montgomery County Subdivision Ordinance.
3. The County Engineer shall review and approve the erosion & sediment control plans including additional provisions proffered as part of rezoning approval.
4. The County Attorney shall review and approve the private covenants and storm water maintenance agreement.

5. The County GIS Analyst shall approve new street name(s) and addresses.
6. All remaining items on the attached Subdivision Application Report dated, 2008 shall be addressed.

On a motion by Mr. Seitz, seconded by Mr. Haynes and carried by a 7-0 vote (Rice & Cochran absent) the Planning Commission recommended approval of the final plat for 20 lots in The Preserve at Walnut Creek (Phase III) with the following conditions:

1. Approval by the PSA regarding payment of availability fees.
2. Note added to covenants in the plat that the drainage easements will be private and maintained by the Homeowner's Association.

Kensington Phase I- Preliminary Plat Approval

Mr. Sandy reported that Phase II of the Kensington subdivision had already been approved. Phase I is mostly in town; however, it still requires county approval.

On a motion by Mr. Howard, seconded by Mr. Wells and carried by a 7-0 vote (Rice & Cochran absent) the Planning Commission recommended approved the Kensington Phase I preliminary plat the following conditions:

1. The Virginia Department of Transportation (VDOT) shall review and approve the entrance(s) onto Harkrader Street and any associated drainage plans.
2. The Town of Christiansburg shall review and approve all public water and sewer construction plans.
3. The Emergency Services Coordinator and Blacksburg Fire Chief shall review and provide comment on proposed alley to address any public safety needs or concerns.
4. The County Engineer shall review and approve the erosion & sediment control plans.
5. The County GIS Analyst shall approve new street name(s) and addresses.
6. All remaining items on the attached Subdivision Application Report dated September 29, 2008 shall be addressed.

LIAISON REPORTS:

Board of Supervisors- John Muffo

Mr. Muffo stated the banks are not paying things that are not infrastructure; therefore; developers are not able to pay the availability fees upfront. PSA is taking this under consideration.

Agriculture & Forestal District- Bob Miller

None

Blacksburg Planning Commission – Walt Haynes

None

Christiansburg Planning Commission – Bryan Rice

None

Economic Development Committee- David Moore

None

Public Service Authority – Malvin Wells

Mr. Wells stated he did not attend. There was a follow up on Lancer truck stop. Mr. Brabham will connect to the 12” line at VDOT headquarters and will use a bridge instead of boring. He is asking PSA for a refund of labor fees.

Parks & Recreation- Steve Howard

Mr. Howard stated there was a public meeting to request comments from citizens in East County regarding a public park.

Radford Planning Commission- Steve Cochran

None

School Board- Bill Seitz

Mr. Seitz stated he had attended the meeting; however, there was no business relating to the planning commission.

Transportation Safety Committee- Malvin Wells

Mr. Wells stated the committee will meet on Tuesday October 14th.

Planning Director’s Report- Steve Sandy

Mr. Sandy stated the November 12th meeting will be cancelled since there have not been any new applications received. He introduced Jamie MacLean, Development Planner. Kevin Byrd has been hired as the comprehensive planner.

There being no further business, the meeting was adjourned.